United Nations A/64/711

General Assembly

Distr.: General
17 March 2010
English
Original: Spanish

Sixty-fourth session
Agenda item 23
Question of the Falkland Islands (Malvinas)

Letter dated 15 March 2010 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit herewith a statement by the Argentine Republic on the most recent developments in relation to the Malvinas question, including the Secretary-General's mission of good offices (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly under agenda item 23.

(*Signed*) Jorge **Argüello**
Ambassador
Permanent Representative

10-27681 (E) 190310 190310

Please recycle

Annex to the letter dated 15 March 2010 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

Statement by the Argentine Republic on the most recent developments in relation to the Malvinas question, including the Secretary-General's mission of good offices

The Argentine Republic acknowledges the Secretary-General's efforts in connection with the mission of good offices entrusted to him by the General Assembly, in the context of his functions under the Charter of the United Nations, and renewed annually by the Special Committee on Decolonization. The Argentine Republic urges him to continue to discharge that mandate, which relates to the effort to find a solution to the sovereignty dispute between Argentina and the United Kingdom over the Malvinas, South Georgia and South Sandwich Islands and the surrounding maritime areas, and reaffirms its readiness to assist him in carrying out that task.

In accordance with that mandate, the Secretary-General and the Minister for Foreign Affairs of Argentina have held a number of meetings on the Malvinas question, the most recent of which took place on 24 February 2010. On that occasion Argentina drew attention in particular to the worsening of the situation in the South Atlantic as a result of the United Kingdom's most recent unilateral actions in relation to oil and gas exploration in areas of the Argentine continental shelf unlawfully occupied by that country.

Background

The sovereignty dispute has been recognized in General Assembly resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25, as well as the resolutions adopted by consensus each year by the Special Committee on Decolonization, in which the Committee expresses regret that, in spite of the widespread international support for a negotiation between the Governments of Argentina and the United Kingdom, the implementation of the General Assembly resolutions on this question has not yet started, and requests the Governments of Argentina and the United Kingdom to consolidate the current process of dialogue and cooperation through the resumption of negotiations in order to find as soon as possible a peaceful and lasting solution to the sovereignty dispute relating to the question of the Malvinas Islands.

With the aim of creating a climate conducive to the resumption of substantive negotiations with the United Kingdom, Argentina agreed to a series of provisional bilateral understandings under the sovereignty formula.

One such understanding was the Argentine-British Joint Declaration on Cooperation over Offshore Activities in the South West Atlantic, adopted on 27 September 1995, which concerned exploration for and exploitation of hydrocarbons. The South West Atlantic Hydrocarbons Commission established by the Joint Declaration held eight meetings between March 1996 and July 2000. During that period, the United Kingdom, on the basis of an unreasonable interpretation of that understanding, carried out unilateral actions in this regard, all of which were protested by Argentina. At the Commission's final meeting, the two

parties put on record, in a joint press statement, the fact that they continued to have divergent interpretations of how the Declaration was to be implemented and agreed to reflect further on how to resolve the issue and to refrain from convening additional Commission meetings until a solution was found.

The substantive divergence between the parties concerned the geographical area to which the Joint Declaration applied. Whereas the Declaration provided that it applied to "maritime areas of the South West Atlantic subject to a controversy on sovereignty and jurisdiction" (the 430,000-square-kilometre area of the Malvinas Islands, excluding the areas of the South Georgia and South Sandwich Islands), the United Kingdom sought to limit its cooperation with Argentina to the "areas for special cooperation" established by the agreement, totalling only 21,000 square kilometres, while reserving all the rest of the disputed area for its own unilateral actions.

The 1995 Joint Declaration also failed to help generate a climate conducive to the resumption of negotiations to settle the dispute. On the contrary, the United Kingdom sought to use the agreement to claim, incorrectly, that its provisions would shield oil companies operating unlawfully in the disputed area from legal action by Argentina.

After an interval of seven years, in which the United Kingdom showed no sign of intending to resolve the divergence in interpretations, the Government of Argentina decided to terminate the Declaration on 27 March 2007. This decision was unanimously supported by all the Heads of State who participated in the first South American Energy Summit, as expressed in the presidential statement of 17 April 2007.

The United Kingdom's unilateral actions have persisted without interruption since that time, despite Argentina's repeated protests and in contravention of General Assembly resolution 31/49, which calls upon both parties to the dispute to refrain from introducing modifications in the situation while the Malvinas Islands are going through the sovereignty dispute settlement process recommended by the United Nations, which is to take place through bilateral negotiations.

Latest developments

The most recent instance of such action was the resumption of the granting of so-called British licences to explore for oil and gas — non-renewable natural resources — in areas of the Argentine continental shelf unlawfully occupied by the United Kingdom. This prompted a strong protest from the Argentine Government on 2 February 2010 (A/64/653).

At the Unity Summit, held in Cancún on 22 and 23 February 2010, the Heads of State and Government of Latin America and the Caribbean reaffirmed their support for the Argentine Republic's legitimate rights in the sovereignty dispute with the United Kingdom of Great Britain and Northern Ireland concerning the question of the Malvinas Islands, recalling that it was in the region's interest for the two Governments to resume negotiations in accordance with the relevant resolutions and declarations of the United Nations and the Organization of American States.

In relation to illegal exploration for oil and gas in the Argentine continental shelf, the Heads of State and Government of Latin America and the Caribbean recalled the provisions of General Assembly resolution 31/49, whereby the

Assembly "calls upon the two parties to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the islands are going through the process recommended" by the General Assembly.

The measures that Argentina has taken in response to the British actions are moderate, prudent and consistent with the Argentine constitutional imperative requiring that this controversy be settled in accordance with international law.

These measures consist of requiring all vessels seeking passage between ports located in Argentina's continental territory and ports located in the Malvinas, South Georgia or South Sandwich Islands to request the relevant permits from the competent Argentine authorities. Similarly, Argentina has adopted rules allowing it to penalize companies that engage directly or indirectly in oil and gas exploration or exploitation without the relevant permits issued by the competent Argentine authorities.

Once again, the Government of Argentina reiterates its strong support for the actions that the Secretary-General continues to take in fulfilment of the good offices mandate entrusted to him by the General Assembly in its resolutions on the Malvinas question, and gratefully acknowledges the Secretariat's valuable contribution in that regard. In addition, it trusts that the United Kingdom, in response to the exhortations deriving from that mandate, will accept its obligation to settle disputes peacefully in accordance with the principles laid down in the Charter of the United Nations, together with its obligation to abide by the General Assembly's resolutions on the Malvinas question, in particular the above-mentioned resolution 31/49.